IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1216/2005 WITH 1217/2005

Jaswinder Singh Suri. ...Applicant.
Vs.
Maharashtra State Powerloom Corpn. and anr.
...Respondents.

Mr. J.H. Mishra i/by O.P.Soni & Co. for the Applicant.

Mr.S.P. Munghlate for Resdpondent No.1.

Mr. A.M. Shringarpure, APP for the State.

CORAM : V.M.KANADE,J.
DATED : 4/5/2005

P.C.:

1. Heard learned counsel for the applicant and the learned counsel for the respondents.

2. The applicant is challenging the order of issuance of process passed by the Trial Court on a complaint under Section 138 of the Negotiable Instruments Act. It is submitted by the counsel appearing on behalf of the applicant that consent terms were filed in the trail court and according to the consent terms an amount of Rs.1/- lac was to be paid per month and an amount of Rs.5/- lacs was to be paid by May,2001. It is submitted that the said

amount has been paid by the petitioner. This fact is however, specifically disputed by the learned counsel appearing on behalf of the respondents. Since there is a dispute regarding compliance of the consent terms which are filed in this court and also consent terms which are filed in the trail court, in my view, it is not possible to go into that question while exercising the jurisdiction and also inherent powers of this court under Section 482 of the Code of Criminal Procedure. Criminal application is therefore, dismissed. The question raised by the applicant in this court will be decided by the trial court after evidence is adduced by the complainant. Trial Court shall decide this issue on merits and according to law. Application is accordingly dismissed. The Trial Court is directed to expedite the trial.

(V.M.KANADE, J.)